

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL N. KELSEY,

Plaintiff,

-against-

MARIA ROSA, et al.,

Defendants.

ORDER OF SERVICE

24-CV-5179 (PMH)

PHILIP M. HALPERN, United States District Judge:

Michael N. Kelsey (“Plaintiff”) initiated this action on July 8, 2024, challenging the imposition of various special conditions on his parole as unconstitutional pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2201. (Doc. 1). This case was originally assigned to Judge J. Paul Oetken and was reassigned to me on July 17, 2024. Plaintiff, who is proceeding *pro se*, paid the filing fees to commence this action.

On July 17, 2024, the Clerk of Court issued summonses to Defendants Maria Rosa, Jessica Segale, Francesca Connolly, Joseph Maltese, Linda Christopher, Carl Landicino, Zaira Serrano, Sabrina Wynns, Sheila Jackson, Christopher Miller, Joy Johnson, Lamarr Banks, and Veronica Ahumada. (Docs. 5-6). On October 3, 2024, Plaintiff filed an Amended Complaint (Doc. 13) which added Christi Acker as a defendant.

The Clerk of Court is respectfully directed to issue a summons to Defendant Christi Acker. Plaintiff is directed to serve the summons and Amended Complaint on Defendant Christi Acker within 90 days of the issuance of the summons.¹

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, the summonses in this case were not issued when Plaintiff filed the Amended Complaint. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

If within those 90 days, Plaintiff has not either served Defendant Christi Acker or requested an extension of time to do so, the Court may dismiss the claims against Defendant Christi Acker under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

SO ORDERED.

Dated: October 30, 2024
White Plains, New York



PHILIP M. HALPERN
United States District Judge